



Attorney Docket No. 056258-5106

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Inventor(s): Jonathan Mark HARDY et al.)
Appln. No. 10/539,210) Group Art Unit: 1626
Filed: February 6, 2006) Examiner: Coppins, J.L.
Title: PROCESS FOR THE PREPARATION)
OF PHOSPHITYLATION AGENTS)

REQUEST FOR CLARIFICATION/CORRECTION

Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
Customer Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

The applicants respectfully request clarification of the Office Action of June 13, 2007 and the issuance of a corrected Office Action.

In the Office Action of June 13, 2007, the Examiner has rejected claims 1, 2, 7, 8, 10, 11 and 13 under Section 103(a) as unpatentable over JP 62-212395. However, the Examiner's comments in support of the rejection (page 4, 2nd full ¶) do not relate to the JP reference or to the subject matter of the present case. Instead, an Aristoff reference is mentioned and discussed. There does not appear to be any Aristoff reference of record herein and the discussion of prostacyclin analogs does not seem relevant to the present case. Accordingly, it appears that page 4 may include the substance of an action in an unrelated application while omitting anything in support of the indicated rejection of applicants' claims..

It is also noted that, according to the applicants' records, claims 1 and 4-14 are pending. The Summary page of the action (page 2) refers to claims 1-15 as pending with claims 1, 7-11 and 13 rejected and claims 4-6 and 14 objected to. In telephone discussion with the Examiner before the error in page 4 was recognized,

the Examiner has stated that claims 1-14 are in the case and that the claims objected to should be claims 4-6, 12 and 14 with claims 1, 7-11 and 13 rejected. However, in the body of the action, claims 1, 2, 7, 8, 10, 11 and 13 are said to be rejected on the JP reference (see ¶ 8, page 3 of the action) while claims 9, 12 and 15 are objected to as dependent on a rejected base claim (¶ 9, page 5 of the action). Then, in ¶ 10, the position is summarized by the statement that "claims 1 and 4-14 are pending, claims 1-8, 10, 11, 13 and 14 are rejected and claims 9, 12 and 15 are objected to". It is, therefore, not clear from the action which of the applicants' claims are rejected and which are objected to. This may be due to apparent confusion with the action in another different application as indicated by the comments on page 4 of the action.

Clarification of the position with issuance of a corrected action is respectfully requested with the setting of a new due date for response.

Respectfully submitted,

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By

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Date: August 9, 2007

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